



RESOLUTION NO. 2016-37

APPROVAL OF ELLIS PRESERVE TOWN CENTER SUBDIVISION

WHEREAS, the Board of Supervisors of Newtown Township recites the following:

I. Introduction

1. This land subdivision application is submitted by BPG Real Estate Investors-Straw Party-1, LP; BPG Real Estate Investors-Straw Party-2, LP; Ellis Retail Phase I, LP; LPF West Chester Medical Plaza Trust, LP c/o John Forde, (“Applicants”) owners of the following tax parcels: 30-00-02838-00; 30-00-01799-00; 30-00-02838-01; 30-00-02840-01; and 30-00-02840-75, located in the planned residential development known as the Ellis Preserve and collectively referred to as the Premises;

2. On July 18, 2016 Applicants submitted to the Township an Application for approval of the subdivision of the aforementioned Premises, along with the relevant Subdivision Plan, Page 1 of 1, dated June 27, 2016 and last revised August 17, 2016, and prepared by Bohler Engineering. The application and supporting submissions are referred to as the (“**Application and Subdivision Plan**”), and seek to subdivide the roughly 219 acre Premises into 10 parcels for the purposes of phasing and financing the development of the Premises.

II. Review of the current Application

3. The Premises is already subjected to a number of tentative and/or final development approvals.

4. The Township Engineer reviewed the Application and made comments in the form of review letters dated July 28, 2016 and August 25, 2016. The review letters are attached as Exhibit A.

6. The Applicants' engineer, Bohler, provided a response letter dated August 17, 2016 in supplement of the Application and Subdivision Plan. The response letter and attachments are attached as Exhibit B.

7. On August 25, 2016, the Newtown Township Planning Commission considered the Application and recommended approval subject to certain conditions.

8. On August 18, 2016, the Delaware County Planning Commission reviewed the Application and recommended approval. The review letter is attached as Exhibit C.

III. Resolution

NOW THEREFORE, the Board of Supervisors of Newtown Township hereby RESOLVES:

- a) The recitals set forth above are incorporated herein by reference.
- b) The Application and Subdivision Plan is approved, subject to:
 - i) Applicants, landowners and subsequent landowners must comply with all conditions and promises set forth or incorporated in the existing relevant Tentative Plan and Final Plan Approvals, including but not limited to the design guidelines/design manual;
 - ii) Applicants, landowners and subsequent land owners must comply with all comments, conditions and assurances set forth in the aforementioned Township Engineer

Review letters and Bohler response letter with attachments, including but not limited to creating reciprocal access, utility and stormwater management easements;

iii) The Applicants, landowners and subsequent landowners will record new deeds in accordance with legal descriptions provided by the Applicants;

iv) The overall PRD Plans will be revised to depict the new property lines;

v) Applicants, landowner and subsequent landowners shall comply in all respects with all applicable Township Codes, ordinances and regulations, as well as any applicable County, State or Federal regulations;

vi) Applicant, landowners and subsequent landowners shall comply with existing Developer's and Financial Security Agreements, and/or join or amend same with the Township as required by the Township Engineer and Solicitor as necessary to incorporate the changes herein and provide financial security for all development and public improvements; and

c. This Approval is contingent upon payment of all outstanding professional fees/escrow replenishment, prior to filing with the recorder of deeds, except as properly challenged in accordance with the MPC.

RESOLVED, this 12th day of September, 2016, at a public meeting of the Board of Supervisors.



ATTESTED

Stephen M Nease
Stephen M. Nease, Secretary

**BOARD OF SUPERVISORS
NEWTOWN TOWNSHIP**

BY: *[Signature]*
John A. Nawn, P.E., Chairman